

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

MARK DELEHANT,

Plaintiff,

v.

CITIBANK, N.A.,

Defendant.

Case No. 1:24-cv-260

**NOTICE OF REMOVAL**

Defendant Citibank, N.A. (“Citibank”) provides notice pursuant to 28 U.S.C. §§ 1331, 1367, 1441 & 1446 of the removal of the above-captioned case from the General Court of Justice, District Court Division, Burke County (the “State Court”) to the United States District Court for the Western District of North Carolina. As grounds for removal, Citibank states as follows:

**BACKGROUND**

1. On September 17, 2024, plaintiff Mark Delehant (“Plaintiff”) filed a Complaint in the State Court against Citibank. The State Court assigned the case the number 24-CVD-1300.

2. On September 19, 2024, Plaintiff sent Citibank copies of the Complaint, the associated Summons, and the associated Servicemembers Civil Relief Act Declaration (“SCRA Declaration”) by certified mail. Citibank received the documents on September 23, 2024. The documents are attached hereto as **Exhibit A**.

3. The Complaint includes claims for violations of the Truth in Lending Act (“TILA”) and breach of contract.

4. The Complaint alleges that an unknown fraudster hacked or copied Plaintiff's Citibank credit card, then made various unauthorized charges to Plaintiff's credit card account. The Complaint further alleges that Citibank held Plaintiff liable for the charges and failed to reasonably investigate his dispute of the charges.

### **JURISDICTION AND VENUE**

5. Pursuant to 28 U.S.C. § 1331, the Court has federal question jurisdiction over Plaintiff's TILA claim because it arises under a federal statute.

6. Pursuant to 28 U.S.C. § 1367, the Court has supplemental jurisdiction over Plaintiff's breach of contract claim because it forms part of the same case or controversy as Plaintiff's TILA claim—the allegedly unauthorized charges to Plaintiff's credit card account.

7. Pursuant to 28 U.S.C. § 1441(a), the Western District of North Carolina is the proper venue for removal because the State Court lies within this District.

### **PROCEDURAL COMPLIANCE**

8. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

9. The Complaint, Summons, and SCRA Declaration that Citibank received in the State Court proceedings are appended hereto as **Exhibit A**. *See id.*

10. Removal of this action is timely. As noted above, Plaintiff mailed Citibank the Complaint, Summons, and SCRA Declaration via certified mail on September 19, 2024. Thus, the deadline for Citibank to remove this action is no earlier than October 21, 2024, with October 19, 2024 falling on a Saturday. *See id.* § 1446(b)(1); Fed. R. Civ. P. 6(a)(1)(C).

11. Copies of this Notice are being served on Plaintiff and filed with the State Court. *See* 28 U.S.C. § 1446(d).

WHEREFORE, defendant Citibank hereby gives notice that the action is removed to this Court.

Dated: October 21, 2024

Respectfully submitted,

BALLARD SPAHR LLP

/s/ Lauren P. Russell

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2024, I caused the foregoing Notice of Removal to be served to the following via first class mail and e-mail:

Jared T. Amos  
Law Office of Jared T. Amos, PLLC  
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/s/ Lauren P. Russell  
Lauren P. Russell